

“(b) No action shall be instituted against the town on account of damages to or compensation for real property taken or used by the town for any public purpose, or for the ejectment of the town therefrom, or to remove a cloud upon the title thereof, unless, within two years after such alleged use, the owner, his executor, administrator, guardian, or next friend, shall have given notice in writing to the board of commissioners of the claim, stating in the notice the date that the alleged use commenced, a description of the property alleged to have been used, and the amount of the damage or compensation claimed.

“(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if a complainant suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given by him or on his behalf within six months after the termination of his incapacity; provided, that minority shall not of itself constitute physical or mental incapacity. If the complainant is a minor, his action shall not be barred if notice of claim is given on his behalf within three years after the happening or the infliction of the injury complained of; or, if the minor suffers from physical or mental incapacity that renders it impossible for him to give notice, his action shall not be barred if notice of claim is given on his behalf within six months after termination of the incapacity, or within three years after the happening of the infliction of the injury complained of, whichever is the longer period. The town may at any time request the appointment of a next friend to represent any person having a potential claim against the town and known to be suffering from physical or mental incapacity.”

Sec. 2. The purpose of this Act is to revise the Charter of the Town of Whitakers and to consolidate into it certain acts concerning the property, affairs, and government of the town. It is intended to continue in force without interruption those provisions of prior acts which are consolidated into this Act, so that all rights and liabilities that have accrued are preserved and may be enforced.

Sec. 3. This Act shall not be deemed to repeal, modify, nor in any manner to affect any of the following Acts, or amendments thereto, even though such Acts or amendments are not expressly set forth herein:

(a) Any acts concerning the property, affairs or government of public schools in the Town of Whitakers;

(b) Any acts relating to Mayor's Court of the Town of Whitakers or any other courts;

(c) Any acts validating, confirming, approving or legalizing official proceedings, actions, contracts, or obligations of any kind;

(d) Any acts authorizing conveyance or sale of particular town property or interests therein.

Sec. 4. (a) The following Acts, having served the purposes for which enacted, or having been consolidated into this Act, are hereby repealed:

(1) Chapter 871, Session Laws, 1963

(2) Chapter 805, Session Laws, 1963

(3) Chapter 804, Session Laws, 1963

(4) Chapter 775, Session Laws, 1963